

Application No.: 10/083,884
Attorney Docket No.: 01-1002 RCE 1

REMARKS

In the Office Action dated December 15, 2004, the Examiner (1) rejected claims 1-9, 11-25 and 27-28 rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. (U.S. Patent Application Publication No. 2002/0147811 A1) in view of Milewski et al. (U.S. Patent No. 6,519,326); and (2) rejected claims 10 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. in view of Castagna et al. (U.S. Patent No. 6,442,245).

Applicants filed an Amendment After Final on February 15, 2005. However, in an Advisory Action dated March 1, 2005, the Examiner indicated that the Amendment After Final would not be entered.

By this amendment, Applicants amend claims 9-11, 17, 18 and 24. Applicants note that the above amendments are identical to the amendments submitted in the Amendment After Final. However, the status of claim 18 is now correctly indicated as "Currently Amended." Applicants also submit a Request for Continued Examination (RCE) concurrently herewith. Claims 1-28 remain pending in this application.

In view of the above amendments and based on the following remarks, Applicants respectfully request reconsideration of this application and the timely allowance of pending claims 1-28. The rejections set forth in the Final Office Action and the Examiner's comments set forth in the Advisory Action are addressed below.

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Claims 1, 11 and 18

Claims 1, 11 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. in view of Milewski et al. Applicants traverse these rejections for at least the following reasons.

Claim 1 recites "[a] method for supplying calling party information to a called party" comprising, *inter alia*:

receiving by the gateway device, via the telephone network, signaling information representing a telephone call from the calling party to a telephone device associated with the called party, the signaling information comprising called party information;

obtaining the calling party information based on the signaling information; and

providing the calling party information to a second device associated with the called party and separate from the telephone device, via the data network.

Claim 1, ll. 5-13. Claims 11 and 18 contain recitations similar to those of claim 1. In addition, Applicants amend claims 11 and 18 to correct minor informalities.

The Examiner concedes that Schwartz et al. "fails to teach providing calling party information on a second device associated with the called party." *Office Action*, p. 3, ll. 14-15. In order to cure this deficiency, however, the Examiner asserts that "[i]t would have been obvious ... to modify the PC as taught by Schwartz to incorporate call-screening as taught by Milewski for the benefit of notifying the called party via computer that an important incoming call is desired" *Office Action*, p. 4, ll. 4-7. However, Applicants respectfully disagree with the Examiners' interpretation of Schwartz et al. and Milewski et al.

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The Examiner asserts that Milewski et al. "sends caller id information to [the] called [party's] computer ... which gives the called party the opportunity to screen incoming call[s]" *Final Office Action*, p. 4, ll. 1-2. However, as explained in the response filed February 15, 2005, Milewski et al. does not send Caller ID information to the called party's PC 155. Rather, Milewski et al. sends a "voice-announcement call request signal, or 'voice-ring'" spoken by the calling party. See col. 3, ll. 7-24. The "voice-ring" is sent from the calling party's PC 105 to the called party's PC 155 prior the establishment of the voice connection between the calling party's telephone 110 and the called party's telephone. See col. 4, l. 52, through col. 5, l. 4. Therefore, the "voice-ring" does not include "calling party information based on ... signaling information" received by the gateway device via the telephone network, as set forth in claims 1, 11 and 18.

In the Advisory Action, the Examiner asserts that "Milewski is not strictly limited to [a] 'voice announcement call request signal' Instead, Milewski discloses that names along with telephone numbers may also be displayed." *Advisory Action*, p. 3, ll. 8-10 (citing Milewski et al., col. 5, ll. 38-52 and FIG. 2). However, the information displayed in FIG. 2 of Milewski et al. is not "calling party information" obtained "based on ... signaling information" representing a telephone call from the calling party to a telephone device associated with the called party, as set forth in claims 1, 11 and 18. Instead, it is a display of "the names of other subscribers to the voice-ring system ... with their telephone numbers and an indication as to their desires with respect to accepting voice rings." Milewski et al., col. 5, ll. 40-43. Rather than being "provided to a second device associated with the called party" (as recited in claims 1, 11 and 18), the

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display of FIG. 2 is instead used by the *calling* party to initiate a call. See Milewski et al., col. 5, ll. 54-60.

Consequently, even assuming that the artisan would have been motivated to modify Schwartz et al. in view of Milewski et al. (which Applicants dispute), the combination of Schwartz et al. and Milewski et al. does not teach the subject matter set forth in claims 1, 11 and 18. Accordingly, claims 1, 11 and 18 are distinguished from Schwartz et al. or Milewski et al., whether taken alone or in combination and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claim 10

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. in view of Castagna et al. The Examiner admits that Schwartz et al. "fails to teach providing calling party information on a second device associated with the called party." *Office Action*, p. 7, ll. 1-2. However, the Examiner cites Castagna et al. for teaching displaying "incoming call information on [a] PC." *Office Action*, p. 7, ll. 19-20.

By this amendment, Applicants amend Claim 10 to recite, *inter alia*:

receiving, from the called party, an indication of one location, from among a plurality of locations, to which communications to the called party are to be directed; and

presenting the caller identification information to the called party by displaying an instant message provided by the instant messaging server on a second device associated with the indicated location.

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Claim 10, ll. 22-28 (emphasis added). Support for these amendments may be found in at least paragraphs 039 and 056 of Applicants' original specification. By contrast, Castagna et al. displays the Caller ID information on a computer 18 that is located in the home 16 with telephone 14 (see col. 2, ll. 11-16, col. 3, ll. 17-21, and FIG. 1), without regard to "an indication of *one location, from among a plurality of locations*, to which communications to the called party are to be directed," as recited in amended Claim 10 (emphasis added).

In the Advisory Action, the Examiner asserts that Castagna et al. teaches "to display caller id information, including caller name or location." Advisory Action, p. 3, ll. 15-16 (citing Castagna et al., col. 2, ll. 35-55). However, the location information cited by the Examiner is not "an indication of one location ... to which communications *to the called party are to be directed*," as recited in amended claim 10 (emphasis added). Instead, it is an indication of the location of the *calling* party. See Castagna et al., col. 2, ll. 51-55. Further, Castagna et al. does not present the caller identification information "to the called party ... on a second device *associated with the indicated location*," as recited in amended claim 10 (emphasis added).

For at least these reasons, amended claim 10 is distinguished from Schwartz et al. and Castagna et al., whether taken alone or in combination. Accordingly, Applicants respectfully request that the rejection of this claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

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Claims 2-9, 12-17 and 19-28

Initially, Applicants note that claims 9, 17 and 24 are amended herein in order to correct a typographical error. Support for these amendments may be found in at least paragraph 029 of Applicants' original specification.

Claims 2-9, 12-17 and 19-28 depend from one of claims 1, 10, 11 and 18. As explained, claims 1, 10, 11 and 18 are allowable over the prior art relied upon. Thus, claims 2-9, 12-17 and 19-28 are likewise allowable for at the reason that they depend from an allowable claim, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Conclusion


In view of the foregoing remarks, Applicants submit that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Finally, Applicants note that the Office Action dated December 15, 2004 and the Advisory Action dated March 1, 2005, contain a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is discussed herein, Applicants decline to automatically subscribe to any such statement or characterization.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

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